

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ANDREW LINTON SAWYERS,

Plaintiff,

VS.

NO. CIV-24-146-HE

CLEVELAND COUNTY DETENTION  
CENTER,

Defendant.

## ORDER

Plaintiff Andrew Linton Sawyers, a prisoner appearing *pro se*, brought this action pursuant to 42 U.S.C. § 1983, alleging various violations of his constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B),(C), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings. On March 19, 2024, Judge Erwin issued a Report and Recommendation recommending the court dismiss this action without prejudice based upon plaintiff's failure to comply with the court's orders. Plaintiff was advised of his right to object to the Report and Recommendation, and he has filed a timely objection.

On February 22, 2024, Judge Erwin ordered plaintiff to file an amended complaint, utilizing the court's approved form, and to pay the filing fee or submit a motion for leave to proceed in forma pauperis which conforms to the statutory requirements of 28 U.S.C. § 1915(a)(2) and includes a certificate executed by an authorized officer of the appropriate penal institution setting forth the required information regarding the amount of money in plaintiff's institutional accounts. Prior to the filing of the Report and Recommendation, plaintiff had not filed an amended complaint, had not paid the filing fee, and had not

submitted a motion for leave to proceed in forma pauperis. In his objection, plaintiff requests leave to proceed *in forma pauperis*, but his request does not conform to the statutory requirements of 28 U.S.C. § 1915(a)(2) and does not include a certified statement regarding the amount of money in his institutional accounts. Because plaintiff continues to fail to comply with the court's orders, the court concludes that this action should be dismissed without prejudice.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #8] and **DISMISSES** this action without prejudice.

**IT IS SO ORDERED.**

Dated this 19<sup>th</sup> day of April, 2024.

  
\_\_\_\_\_  
JOE HEATON  
UNITED STATES DISTRICT JUDGE